

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO)**

FRIENDS OF THE FLORIDAS; NEW MEXICO
WILDERNESS ALLIANCE; WILDEARTH
GUARDIANS; GILA RESOURCES
INFORMATION PROJECT; AMIGOS BRAVOS;

Plaintiffs,

vs.

UNITED STATES BUREAU OF LAND
MANAGEMENT; et al.;

Defendants.

AMERICAN MAGNESIUM;

Defendant-Intervenor.

Case No.: 2:20-CV-00924-JB-GBW

**AMERICAN MAGNESIUM RESPONSE TO PLAINTIFFS' NOTICE OF NEW AGENCY
ACTIONS**

American Magnesium (AM) submits this Response to Plaintiff's Notice of New Agency Action filed, (Document 55), filed on November 3, 2023. On October 30, 2023, BLM issued a new decision approving AM's revised drilling plan which modified BLM's previously approved exploration drilling project which is contained in the approved Mining Plan of Operation (MPOO). BLM issued a Finding of No Significant Impact (FONSI) for the revised drilling. As AM explained in the oral argument on July 6, 2022, AM was in the process of obtaining permitting for a revised exploration drilling project which would focus directly upon verification of the drilling necessary to satisfy the National Instruments (NI) 43-101, the recognized manner

for demonstrating reserves to third parties. NI 43-101 drilling reporting is the accepted reserve disclosure in the United States as well as Canada and Australia and other countries.

This verification drilling that is taking place under BLM's decision and FONSI meets all applicable environmental BLM requirements including satisfaction of applicable NEPA requirements. The drilling activity itself involves much less surface disturbance with only five drilling locations and reduced staging area: a significant reduction from the exploration in the approved MPOO. The delays in MPOO approval and the associated appeal process have allowed AM to develop a drilling program that has significantly less impact than the approved drilling. All pertinent environmental requirements have been satisfied.

CONCLUSION

The Plaintiff's Notice of New Agency Actions accurately informs the Court of the steps that AM has taken to obtain full and appropriate BLM and NEPA approval for a verification drilling program. However, the assertion that AM could have accomplished these actions without approval of the MPOO is speculation. Plaintiffs still do not present any evidence or authority that a separate drilling project, prior to BLM approval of the MPOO was feasible for AM or a reasonable alternative.

Respectfully submitted this 13th day of November 2023.

DOMENICI LAW FIRM, P.C.

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CERTIFICATE OF SERVICE

I, Pete V. Domenici, Jr, hereby attest that I served all parties in this case with the foregoing, by submitting it via this Court's ECF filing system, this 13th day of November 2023

/s/ Pete V. Domenici, Jr.